

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
August 15, 2017

Name of Offender: Keith Alan Mosley

Case Number: 2:01CR00319

Name of Sentencing Judicial Officer: Honorable Roger L. Hunt

Date of Original Sentence: September 12, 2002

Original Offense: Possession with Intent to Distribute a Controlled Substance

Original Sentence: 188 Months prison, followed by 60 Months TSR.

Date Supervision Commenced: November 30, 2011

Date of Revocation: July 20, 2016

Revocation Sentence: 9 months prison, followed by 24 months TSR

Date Supervision Commenced: March 29, 2017

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. **No Contact** – You must not communicate, or otherwise interact, with Nicole Grey, either directly or through someone else, without first obtaining the permission of the probation office.

CAUSE

By way of case history, on September 12, 2002, Your Honor sentenced Keith Mosley to 188 months prison, followed by five years' supervised release for committing the offense of

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Possession with Intent to Distribute a Controlled Substance. Supervision commenced in the District of Nevada on November 30, 2011.

On July 20, 2016, Mr. Mosley appeared before Your Honor for violations of supervised release. The offender failed to submit monthly reports as directed, was less than truthful on two separate occasions, failed to maintain employment and failed to report change in residence or employment. Subsequently, Mr. Mosley was revoked and Your Honor sentenced him to serve nine months prison, followed by two years' supervised release. Supervision commenced for the offender's second term of supervised release on March 29, 2017.

On June 19, 2017, the undersigned was contacted by an officer with the Las Vegas Metropolitan Police Department (LVMPD) advising they received a call for service for a compliant of Battery-Domestic Violence. Upon arrival officers contacted a Nicole Grey who reported that she and Mr. Mosley were returning back from California when the offender hit and struck her about the face and then tried to choke her. Ms. Grey and the offender are in a dating relationship and residing together. Ms. Grey went on to report the offender then dropped her off and left. The responding officer stated that there appeared to be visible marks and scratches about the face and neck area of Ms. Grey.

On June 19, 2017, the undersigned contacted the offender telephonically. Mr. Mosley was questioned about his current whereabouts. The offender stated he had to leave his residence due to an argument he had with Ms. Grey. The undersigned instructed the offender not to have any contact with Ms. Grey. Mr. Mosley contended that he did not touch Ms. Grey and she was being less than truthful with the police.

On June 20, 2017, Ms. Grey contacted the undersigned and advised the offender was no longer permitted to reside with her. She reported that when she and Mr. Mosley were returning back from California he choked and punched her. Ms. Grey admitted that they have had prior incidents regarding domestic violence; however, she was reluctant to come forward. The undersigned requested Ms. Grey report to the probation office on June 22, 2017, to provide a written statement regarding the incident that occurred on June 19, 2017. Ms. Grey never reported or provided a written statement to our office. Subsequent attempts were made to contact Ms. Grey; however all efforts were unsuccessful.

On June 28, 2017, the undersigned contacted the offender and inquired of his whereabouts. The offender stated he returned to Ms. Grey's residence. The undersigned contacted the offender at this residence on this very same date. Mr. Mosely was there along with Ms. Grey. The offender was asked why he failed to follow the instructions to have no contact with Ms. Grey. Mr. Mosley advised that when he came home she was there. The offender explained that the apartment is actually his and that Ms. Grey has her own separate apartment.

Ms. Grey did not appear to be in fear for her life and did not seem to mind that the offender was home with her. When asked why she did not show up to the probation office to provide a written statement, she stated she no longer wanted to go forward with the allegations. The undersigned

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asked Ms. Gray if she and the offender have traveled to California. Ms. Grey indicated they had not traveled to California.

After further conversation with the offender, he stated that he has previously called the police on her for battering him; and evidently charges are pending against Ms. Gray. Mr. Mosely advised he is trying to drop the charges against her. The offender was explained that the relationship between Ms. Gray and himself is not positive and seems problematic to his supervision. Due to Ms. Grey's reluctance to go forward with the allegations, and in an effort to deter future domestic issues, the undersigned discussed modifying his release conditions prohibiting any contact with Ms. Grey. The offender agreed and signed the attached Waiver to modify his conditions accordingly.

It should be noted that on May 28, 2017, and July 11, 2017, the offender failed to report for drug testing. Mr. Mosely reported the following business day after each miss and produced a negative sample. The offender was verbally admonished and extended on drug testing for an additional 60 days. Should the offender miss additional drug tests, the Court will be notified with a recommended sanction.

Respectfully submitted,

Jodona L. Brown

2017.08.18
10:06:04 -07'00'

Jodona L Brown
United States Probation Officer

Approved:



Todd Fredlund
2017.08.15 14:38:35
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

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THE COURT ORDERS

- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):

IT IS ORDERED that a Status Conference hearing is
set for January 9, 2018 at 2:00 PM in LV Courtroom 7D .



RICHARD F. BOULWARE, II
United States District Judge
December 18, 2017
Date